

### REMARKS

At the time of the January 26, 2010 Final Office Action, Claims 1-20 were pending, all of which were rejected. Independent Claims 1, 10, 11, and 20 are herein amended, and dependent Claims 13-15 are cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and allowance of all pending claims.

#### **Rejections under 35 U.S.C. § 112**

Claims 1-19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for lack of antecedent basis for the term “the ends”. Applicant has amended the term “the ends” to “ends” to overcome this rejection. Thus, Applicant request that this rejection be withdrawn.

#### **Amended Independent Claims 1, 10, 11, and 20 are Allowable over the Cited Art.**

Claims 1-8, 10-18 and 20 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,423,842 issued to James D. Palma (“*Palma*”).

Claims 1-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Palma*. Further, Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,338,445 issued to Malcolm David Dick Lambert et al. (“*Lambert*”) in view of U.S. Patent No 6,631,854 issued to Hubert Stier (“*Stier*”).

For an anticipation rejection under 35 U.S.C. §102, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Similarly, in order to establish a prima facie case of obviousness under 35 U.S.C. §103, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Although Applicant does not agree with the Examiner’s rejections in the Final Office Action, Applicant has amended independent Claims 1, 10, 11, and 20 to further distinguish from the cited referenced, as discussed below.

**A. Independent Claims 1, 10, and 20: the cited art fails to teach a cavity at least partially filled with a less-stiff material affixed to an inner wall of the cavity.**

Amended Claim 1 recites “wherein the cavity is *at least partially filled with a material affixed to an inner wall of the cavity*, the material having a stiffness less than a stiffness of the seat part in order to achieve a desired flexibility of the seat part.”

Amended Claim 10 recites “wherein the cavity is either completely empty or *at least partially filled with a material affixed to an inner wall of the cavity*, the material having a stiffness less than a stiffness of the seat part in order to achieve a desired flexibility of the seat part.”

Amended Claim 20 recites “wherein the cavity is at *least partially filled with a material affixed to an inner wall of the cavity*, the material having a suitable stiffness in order to achieve a desired flexibility of the tip and to enable micrometric deformations of the seat part.”

*Palma*, *Lambert*, and *Stier* all fail to teach a cavity “*at least partially filled with a [less-stiff] material affixed to an inner wall of the cavity.*”

*Palma* teaches a guide post 90 that is guided within a guide wall (cavity) 91 of a valve 73. However, the guide post 90 is clearly not *affixed to an inner wall of the valve cavity*, and further there is no teaching that the guide post 90 is formed from a less stiff material than the valve 73.

*Lambert* and *Stier* also fail to teach a cavity at least partially filled with a less-stiff material affixed to an inner wall of the cavity.

**B. Independent Claims 10 and 11: the cited art fails to teach a needle tip with a completely empty cavity.**

Amended Claim 10 recites “wherein the cavity is either *completely empty* or at least partially filled with a material affixed to an inner wall of the cavity, the material having a stiffness less than a stiffness of the seat part in order to achieve a desired flexibility of the seat part.”

Amended Claim 11 recites “wherein the cavity is *completely empty* in order to achieve a desired flexibility of the tip such that ends of the needle tip around the cavity flex inwardly due to micrometric deformations of the seat part.”

*Palma*, *Lambert*, and *Stier* all fail to teach a needle tip with a ***completely empty*** cavity.

*Palma* teaches a guide post 90 that is guided within a guide wall (cavity) 91 of a valve 73. The Examiner argues that *Palma* teaches an empty cavity because cavity 91 includes an *empty portion* that is not filled by post 90. Applicant disagrees with this interpretation of “empty” but has amended the claims to recite that the cavity is “**completely empty**”. Cavity 91 of *Palma* is clearly not “completely empty”.

*Lambert* and *Stier* also fail to teach a “completely empty: cavity in a needle tip.

**C. Conclusion.**

For at least the reasons presented above, the cited references do not teach the limitations of amended independent Claims 1, 10, 11, and 20. Thus, Applicant respectfully requests reconsideration and allowance of independent Claims 1, 10, 11, and 20, as well as all claims that depend therefrom.

**CONCLUSION**

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512-457-2030.

Respectfully submitted,  
KING & SPALDING LLP  
Attorney for Applicant



Eric M Grabski  
Registration No. 51,749

Date: 3/23/10

SEND CORRESPONDENCE TO:

KING & SPALDING L.L.P.

CUSTOMER ACCOUNT NO. **86528**

512-457-2030

512-457-2100 (fax)